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COMMUNITY PLANNING & ECONOMIC DEVELOPMENT DEPARTMENT

Creating Solutions for Our Future

Joshua Cummings, Director

MEMORANDUM

TO: Thurston County Planning Commission
FROM: Dana Bowers, Associate Planner
DATE: June 7, 2023
SUBJECT: Intro Session 1: Forest Conversion Code Updates

SUMMARY & DECISION POINTS

This is a work session on the Forest Conversion Code Update, which is phase 1 of the "Healthy Forest Project." At this work session, staff will present an overview of the current code, proposed amendments, stakeholder outreach done to date, plan for further outreach, and the timeline for review.

This is a project docketed by the Thurston Board of County Commissioners (BoCC) to update forest conversion codes for clarity and consistency with current county goals and ordinances and to produce a canopy assessment. This project includes four phases:

- Phase 1 - Forest Conversion Code Update
- Phase 2 – Tree Canopy Study
- Phase 3 – Rural Forest Protections
- Phase 4 – Urban Forest Protections

Subsequent Phases will be brought to the Planning Commission for consideration separately as required.

The proposed amendments as part of the Forest Conversions Ordinance Update include:

Development Code Amendments (Section 14.37.30 and Chapter 17.25 TCC)

- Amendments to grading exceptions (Title 14)
- Repeal and replace all sections of Chapter 17.25 TCC
- Amendments to development regulations to clarify language, streamline permit processes, and increase flexibility for landowners

Development Code Addition (Chapter 17.27)

- Inclusion of a new chapter to describe Tree Conservation measures.

BACKGROUND

In 2009, the Board of County Commissioners (BoCC) docketed a project to update forest conversion codes as requested by current planning staff. Since 2009, this proposal has been on and off official dockets and a lower priority until recently in 2022. The docket item is intended to clarify code and make implementation more consistent.

This docket item also supports action items in the Thurston Climate Mitigation Plan such as site clearing limits for development and revise development codes for forestry to align with carbon capture value of trees.

In 2022, the Board of County Commissioners docketed and prioritized item A-25 Forest Conversion Code Revisions. BoCC clarified the scope for Docket Item A-25 to focus on a review of *rural* tree protection standards, while *urban* tree protection standards and policies will be reviewed and updated through the County's joint code review and updates (docketed separately as items CPA-1, and JP-2, JP-3, and JP-4).

OUTREACH

Staff conducted outreach on this project to several key stakeholders and the community. Stakeholder feedback has been used to identify major themes and develop a range of considerations for the Planning Commission. An outreach summary is included as Appendix 1.

Stakeholder Outreach

Community Planning staff contacted and met with several groups and individuals who will be impacted by changes to this code. Staff focused on seeking input from forestry professionals, developers, realtors, forest landowners, conservation program leaders, environmental advocacy groups and neighboring jurisdictions to find out how this code could be clarified and promote goals of the Comprehensive Plan, Working Lands Strategic Plan, and Climate Mitigation Plan.

Feedback from the groups is listed below with main themes heard in two or more groups shown in bold.

- **Concerns about time and cost of permit review**
- **Larger trees offer more effective solutions for stormwater and climate mitigation and should be prioritized for protection**
- **All development should occur with tree conservation in mind**
- **Enforcement of existing codes is not effective**
- **Regulations should be incentive-based rather than requiring enforcement**
- Need clearer definitions on what is exempt and what is allowed
- Difficult to follow codes when each jurisdiction has different rules

- Concerns about logging done on critical areas without erosion control or stormwater management systems
- Codes are confusing for technical staff and require county interpretation

Written Public Comments

To date, one written public comment has been received on the Forest Conversion update. The comment is in support of the project.

SUMMARY OF EXISTING PROVISIONS

Thurston County currently regulates tree protection through several ordinances in different locations in Thurston County Code. Details are provided in Attachment C.

SUMMARY OF CHANGES

In August 2022, staff brought concept-level changes to the Planning Commission for comments and feedback. Based on the discussion and vote of 9-0 in favor, staff used these concepts as a framework to prioritize revisions. Concepts proposed included:

1. Clarify and simplify code language
2. Make consistent standards between county and North County UGAs
3. Provide requirements for replanting
4. Require forest conversion applications to be concurrent with development applications
5. Create guidelines to incentivize the retention of significant trees
6. Remove waivers for moratoriums
7. Grant moratorium releases only for single family homes

Proposed changes to the existing code address these concepts in several ways.

Forest Conversion Standards

- Conversions would be consistent across unincorporated Thurston County.
- The draft requires applications to be concurrent with development applications.
- Moratorium waiver and hearing examiner review would be removed.
- The draft grants single family home releases from moratoriums.

Modifications to Conversion Option Harvest Plans (COHP)

- The draft removes the requirement for a forester to prepare the application.
- The volume of trees allowed for harvest is proposed to increase to 80% of area.

Proposed Tree Conservation Chapter

- Adds minimum tree density requirements for single family home development.
- Allows for replanting or retention of significant trees.
- Standards provide for consideration of spacing around homes for wildfire prevention.

WHAT ARE OTHER JURISDICTIONS DOING?

Many other counties do not have permitting jurisdiction over their Class IV – general forest practices. The state administers permits for those counties that do not meet the requirements or have not adopted ordinances and regulations. Thurston County adopted regulations in 1997, the first year counties were permitted to adopt their own standards. Pierce, Kitsap, and Clallam County codes were reviewed due to their proximity, forest industry reliance, and recent codes updates.

Within Thurston County, four cities (Lacey, Olympia, Tumwater and Yelm) have adopted urban forestry plans and corresponding tree protection regulations, and an additional two cities (Rainier and Tenino) have adopted public street tree plans to maintain and grow their urban canopy. A comparison of codes from other jurisdictions has been included as Attachment D.

RELEVANT STATE LAW & POLICIES

The guiding state law for forest practices is found in the Forest Practices Act RCW 76.09 and Forest Practice Rules WAC 222. Since the codes are also related to development, the Growth Management Act (RCW 36.70A) is also relevant to this code revision. Summaries of the sections relevant to this chapter have been included as Attachment E.

OTHER TOOLS & UPDATES

Thurston 2045

Comprehensive Plan updates are also underway and include revisions to the Natural Resources Element which includes a chapter about forest resources. Tree canopy data will be used to create actionable goals for forest landscapes.

NEXT STEPS

To facilitate review and remain on track for final action by January 2024, staff anticipates the following schedule for Planning Commission review:

- June 7, 2023 – Work Session #1 – overview of the project, state law, proposed amendments, set public hearing
- July 19, 2023 – Tentative public hearing; Work Session #2 for follow-up
- August 2, 2023 – Work Session #3 – follow up, possible recommendation

ATTACHMENTS

- Attachment A – Healthy Forest Project Timeline and Summary
- Attachment B – Outreach Report
- Attachment C – Existing Provision Detail
- Attachment D – Other Jurisdiction Code Summary
- Attachment E – Summary of State Codes
- Attachment F – Updated Forest Conversion Code

Attachment A – Healthy Forest Project Timeline and Summary

Phase 1

- **Managing Forest Conversions (Spring 2022 – Winter 2023)**
- Update forest conversion ordinance (TCC Chapter 17.25 and Title 18) to clarify review processes and make provisions easier to understand and implement. Create a new Tree Conversion chapter (17.27 TCC).

Phase 2

- **Studying our Forest Canopy (Summer 2022 - Fall 2023)**
- Complete detailed geospatial analysis to better understand extent and composition of county's forest resources.

Phase 3

- **Growing our Forest Canopy (Winter 2023 – Summer 2024)**
- Update county tree planting standards for rural areas (Titles 18 and 20) and review forest conservation programs with aim of growing and restoring healthy forests.

Phase 4

- **Planning for our Urban Forests (Fall 2023 – Fall 2024)**
- Update urban forest management provisions as part of Joint Code Update projects with Lacey, Olympia, and Tumwater.

Attachment B – Outreach Report



Community Planning

Healthy Forest Project

Forest Conversion Code (Phase I) Update

Thurston County Community Planning staff had listening sessions with individual stakeholders and groups to hear about their concerns and provide information about the reason for the updates and proposed changes.

Total Reach: 68 Key stakeholders

Outreach Actions

Communication	Reach	Stakeholders
Website Information	Changes to website removed tracking feature Custom URL activated April 11	All residents
Community Meetings	5 community meetings with 62 in attendance	Development organizations, environmental groups, neighboring municipalities
Listening Sessions	6 one on one meetings with key stakeholders	Small forest land owners, forestry industry representatives, technical advisors, conservation districts

Links

Friday Five Article	https://s3.us-west-2.amazonaws.com/thurstoncountywa.gov.if-us-west-2/s3fs-public/2023-04/Friday%20Five%20-%20April%2028%202023.pdf
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Themes



Concerned about the cost and time taken for permit review



Larger trees should be prioritized for protection

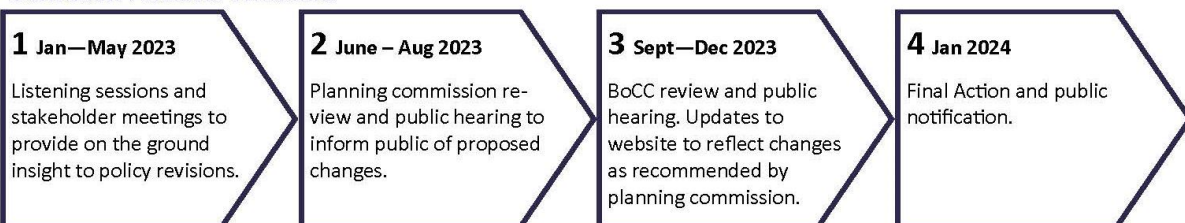


Development should occur with tree conservation in mind



Concerned about the enforcement on current regulations

Outreach Actions Timeline



Attachment C – Existing Provision Detail

Thurston County Forest Lands Conversion Ordinance (TCC Chapter

17.25) Adopted in 1997

- Provides local regulation of forest lands converting to other non-forestry uses
- Outlines Conversion Option Harvest Plan (COHP) guidelines
- Contains provisions for 3 ways to release development moratoriums

Thurston County Critical Area Ordinance and Shoreline Master Program (Titles 24 and 19 respectively) regulate trees in critical areas and along shorelines to help protect ecological function. The Critical Areas Ordinance contains protections for Oregon white oak woodlands, a state priority habitat.

Thurston County Subdivision, Zoning and UGA Development Standards (Titles 18, 20, 21, 22, 23) contain landscaping and open space requirements that are administered at the time of development. These standards have tree protection provisions in place for multifamily, commercial, and industrial development.

Thurston Climate Mitigation Plan

In 2020, the Thurston Climate Mitigation Plan was published by Thurston Regional Planning Council and outlines tree preservation as a strategy for reducing atmospheric carbon. Key recommendations from that document include:

- Review and revise local development regulations to require the carbon sequestration value of existing trees be considered in regulatory requirements such as site plan review.
- Add clearing limits (usually expressed as percentage) for large lot development in county and city zoning codes.

Attachment D - Other Jurisdiction Code Summary

Author	Date adopted	Similarities	Differences
Tumwater	Under review	<ul style="list-style-type: none"> - minimum tree density provisions by tree categories - inclusion of a tree conservation plan with development applications - requires forester for permit application - no difference in UGAs 	<ul style="list-style-type: none"> - bond equal to the cost of restoration is required
Clallam	2022	<ul style="list-style-type: none"> - Forester not required for COHP - Moratorium releases only require administrative review - Tree protections in a separate chapter - no difference in UGAs 	<ul style="list-style-type: none"> - Has cumulative conversion tracking for permits - Two types of COHPs - Reduced price to incentivize COHP - Invasive species management plan required for COHP
Pierce County	2004	<ul style="list-style-type: none"> - Minimum tree density - Allow greater % harvested to incentivize COHP - Moratorium release only for single family homes - Requires forester for permit application - no difference in UGAs 	<ul style="list-style-type: none"> - Minimum density requirements apply to multifamily, commercial, and industrial developments
Kitsap	2000	<ul style="list-style-type: none"> - Requires forester for permit application - no difference in UGAs 	<ul style="list-style-type: none"> - Moratoriums only lifted for essential public services - Erosion control is required - Replanting is not required - Requires cultural resource notification

Attachment E – Summary Relevant State Laws

Relevant State Laws: WAC 222.16.50, WAC 222.34.010, RCW 76.09.050, RCW 76.09.460

Forestry Practice Classes

Class I Forest Practices

Activities which have no direct potential for damaging a public resource

Require no permits

- Less than 2 Acres
- Cutting and/or removal of less than 5,000 board feet of timber for personal use in any 12-month period
- Harvest of natural Christmas trees
- Tree planting 12 Class I Forest Practice
- Road maintenance except stream crossings
- Pre-commercial thinning
- Ground application of chemicals
- Slash burning-slash control
- Road construction less than 600 ft

Class II Forest Practices

Activities which have a less than ordinary potential for damaging a public resource

Require state permits

Designed for timber working lands

- Forest Practice Renewals
- Salvage logging
- Partial cutting 40% or less of live volume
- Harvest of less than 40 acres having no public resources on site
- Road construction of more than 600 ft

Class III Forest Practices

Activities other than those contained in Class I, II, or IV

Require state permits

Designed for timber working lands

- Those requiring a hydraulic project approval (HPA)
- Within shorelines of state
- Aerial application of pesticides
- Activities not included in Class I, II, IV
- Conversion Option Harvest Plans
- Alternate plans
- Multiyear or Long Term permits

Class IV-Special Forest Practices

Activities which have a potential for a substantial impact on the environment

Require state permits

Designed for timber working lands

- Mass wasting
- Unstable slopes
- Channel migration zones
- Archaeological and historical sites
- Filling or draining more than .5 acre of a wetland
- Critical habitat of T & E species 17 Class IV Special Forest Practice
- May require report of a technical expert
- Requires an environmental checklist in compliance with the State Environmental Policy Act (SEPA)
- Site visit for final approval

Class IV-General Forest Practices

Activities which have a potential for a substantial impact on the environment

Require a Thurston County permit

Designed for development

- Changing the land use to one which is incompatible with timber growing
- In an area with likelihood of future conversion to urban uses (UGA)

Reforestation Standards

Circumstances where reforestation is not required by state law:

- Areas of forest land converted to a non-forested use, or lands that are likely to be converted to urban uses.
- Areas where trees are dead, dying, down or windthrown and being salvaged.
- Thinning activities
- 190 seedlings are established per acre (20% of the affected property can have down to 150 seedlings per acre)
- 100 saplings are established per acre

Reforestation Standards

- 190 seedlings are established per acre (20% of the affected property can have down to 150 seedlings per acre)

Competing Vegetation

- Competing vegetation shall be controlled to the extent necessary to allow establishment, survival, and growth by commercial species.

Conversions

- State can issue notices of conversion and the county must enforce a moratorium for 6 years

Attachment F – Proposed Forest Lands Conversion Amendment

**Thurston County Community Planning and Economic Development
Department**

Community Planning Division

**THURSTON COUNTY
PLANNING COMMISSION**

ATTACHMENT A – DRAFT CODE AMENDMENT

June 5, 2023

**Thurston County Forest Lands Conversion
Code Amendment**

Section I: Section 14.37.30 – Update for clarity and consistency

Section II: Chapter 17.25 Thurston County Forest Lands Conversion

Section III: Chapter 17.27 Tree Protection Standards

Deleted Text: ~~Strikethrough~~ Proposed Changes: Underlined
Staff Comments: *Italics* Unaffected Omitted Text ...

The proposed amendments contained herein are included on the 2022/2023 Official Development Code Docket as Item A-25. Development Code Docket Item A-25 is a legislative proposal to update Chapter 17.25 TCC, Thurston County Forest Land Conversion Ordinance and Chapter 18.10 TCC, Administrative Procedures to revise forest conversion codes pertaining to permit eligibility, processes and moratorium release. This proposal is comprised of one (1) chapter that would be repealed and replaced and one section that would be repealed and replaced and one chapter that would be added, including updated references.

I. Thurston County Code Chapter 14.37.30 (11) TCC (FOREST LAND CONVERSION ORDINANCE) must be amended as follows:

International Building Code sections J103.1 and J103.2 are amended to read as follows; and new section J103.3 is added to read as follows:

J103.1 Permits required. Except as exempted in Section J103.2, no land disturbing activity must be performed without first having obtained a land disturbing activity construction permit from the County engineer. A separate permit must be obtained for each site, and for grading activity may cover both excavations and fills. A land disturbing activity construction permit does not include the construction of retaining walls or other structures. Additional requirements related to clearing and grading may be included under the Thurston County Drainage and Erosion Control manual (TCC 15.05) or the Thurston County Critical Areas Ordinance (TCC 24 or TCC 17.15).

J103.2 Exemptions. A land disturbing activity construction permit is not required for the following:

...

11. Cumulative clearing of less than seven thousand square feet annually. However, this exception must not apply to development proposals:

a. ~~Regulated as a Class IV forest practice conversion under TCC 17.25. Forest practices regulated under WAC Title 222, including approved conversion option harvest plans, and Class IV general forest practices (TCC 17.25) that are conversions from timber land to other uses.~~

b. Within one of the following critical area or critical area review areas under TCC 24 or 17.15.

- i. Erosion, landslide, or marine bluff hazard areas and their buffers;
- ii. Frequently flooded areas, including floodplains;
- iii. Fish and wildlife habitat conservation areas and associated buffers;
- iv. Wetlands and associated buffers.

c. Within shoreline jurisdiction under TCC 19.

~~11. Forest practices regulated under WAC Title 222, including approved conversion option harvest plans, except for Class IV general forest practices that are conversions from timber land to other uses.~~

II. Thurston County Code Chapter 17.25 TCC (FOREST LAND CONVERSION ORDINANCE) must be repealed and replaced with the following:

Chapter 17.25

~~Thurston County Forest Land Conversion Ordinance~~

17.25.100 Purpose.

These regulations are intended to:

- A. Provide procedures and criteria for Thurston County approval of Class IV-General forest practices, conversion option harvest plans (COHP), certain Class I forest practices, and the removal of development moratoria regulated under the Washington State Forest Practices Act, Chapter 76.09 RCW and WAC 222
- B. Implement the Washington State Environmental Policy Act, Chapter 43.21C RCW;
- C. Meet the goals of the Thurston County Comprehensive Plan;
- D. Allow for low density development in rural areas
- E. Provide consistency between forest conversion policy and other land use and development standards;
- F. Establish processes to release lands from a moratorium placed due to Class II and III permits;
- G. Establish processes and procedures for residents to apply for Class IV- General forest practices permits, conversion option harvest plans, certain Class I forest practices in Thurston County;
- H. Establish processes and procedures for the department to review and enforce Class IV-General forest practices permits, conversion option harvest plans, certain Class I forest practices in Thurston County;

(Ord. 11518 § 1 (part), 1997)

17.25.200 Definitions.

Except as provided for in this section, this chapter will use existing definitions which are already in common use regarding the subject of forest practices. Definitions contained in the Washington State Forest Practices Act (RCW 76.09.020), Rules for the Washington State Forest Practices Act (WAC 222-16), and the Thurston County Code will not be included here.

“Class I, Class II, Class III, Class IV- General, and Class IV- Special forestry practices” as defined in WAC 222-16.50

"Clearing" means the destruction and/or removal of understory vegetation and stumps by manual, mechanical, or chemical methods.

"Commercial tree harvest" means removing trees to sell, trade or barter any portion of the volume removed.

"Conversion, forest lands" or "forest lands conversion" means cutting and removal of trees for the purpose of converting forest land to non-forestry use.

"Conversion option harvest plan (COHP)" means a voluntary plan developed by the landowner and approved by Thurston County, indicating the limits and types of harvest areas, road locations, and open space. This approved plan, when submitted to the Department of Natural Resources (DNR) as part of the forest practice application and followed by the landowner, maintains the landowner's option to convert to a use other than commercial forest product production and (releases the landowner from the six-year moratorium on future development).

"Danger Tree" defined in TCC 17.15.200

"Development moratorium" means Thurston County must deny any and all applications for permits or approvals for a period of time established in Chapter 76.09 RCW. This must include but not be limited to building permits, septic system permits, right-of-way permits, subdivision approvals, or change of zoning relating to the legal description described on the forest practices permit. The moratorium does not apply to expansions, alterations, or maintenance of existing structures or their accessory structures, nor does the moratorium apply to boundary line adjustments done for purposes of conservation of open space or natural areas.

"Development permit" means a permit issued by Thurston County giving an applicant permission to: perform land disturbing activity; remove vegetation; construct roads, shared accesses, alleyways, driveways, parking areas, impervious surfaces or other hard surfaces; perform grading and/or clearing; and construct stormwater facilities.

"Director" means the Thurston County director of Community Planning and Economic Development (CPED) or the directors designee.

."Farm Conservation Plan" is a site-specific plan for expanded and/or new agricultural activities or facilities that identifies farming or ranching activities and conservation practices to protect and/or enhance critical areas while improving agricultural viability. A Farm Conservation Plan must be developed in accordance with Natural Resource Conservation Service Best Management Practices or other applicable best management practices, and the provisions of Chapter 17.15 TCC.

"Forest inventory" is a report of the existing tree resources, their species, size, age, and other health characteristics and is prepared by a professional forester.

"Forest land" as defined in WAC 222-16-25.

"Grading " means any operation involving excavation, displacement, cutting or filling of material that alters the elevation of the land's surface.

"Logging" means the harvesting or removal of timber. Logging does not include the removal of stumps or under story vegetation. The removal of stumps and under story vegetation is defined as clearing.

"Natural" means materials present in or produced by nature and not produced or changed artificially.

"New development" means the following activities: land disturbing activities; external structural development including construction, installation, or expansion of a building or other structure; creation of impervious surfaces; Class IV-general forest practices that are conversions from timber land to other uses; and subdivision and short subdivision of land as defined in RCW 58.17.020. All other forest practices are not considered new development.

"Non-conversion" means any Class II, Class III, or Class IV-Special Forest Practice as defined by WAC 222-16-050 where land is being retained for uses consistent with timber growing. Examples include but are not limited to the cutting and removal of trees and the replanting for commercial forest production.

"Non-forestry use" means an active use of land which is incompatible with timber growing.

"Professional forester or licensed landscape architect." means an individual with academic and field experience in forestry or urban forestry or landscaping. This may include arborists certified by the International Society of Arboriculture, foresters with a degree in forestry from a Society of American Foresters accredited forestry school, or urban foresters with a degree in urban forestry.

"Shorelines of statewide significance" as defined in Shoreline Management Act

"Tree" means a self-supporting perennial woody plant that matures at a height of 20 feet or greater.

"Windfirm" means a tree which is capable of withstanding windstorms.

(Ord. 13040 Attach. C § 4, 2003; Ord. 11518 § 1 (part), 1997)

(Ord. No. 14773, § 10(Att. I), 7-24-2012)

17.25.250 Applicability.

- A. This chapter applies to forest lands as defined by the Washington State Department of Natural Resources (DNR) within the unincorporated territories of Thurston County which are subject to county permitting jurisdiction.
- B. New Development. Any development activity resulting in a change from forest land to a non-forestry use must be approved for a permit for a forest land conversion such as:
 - 1. Cutting and/or removal of equal to or greater than five thousand board feet of timber (including live, dead and down material) for personal use (i.e., firewood, fence posts, etc.) in any twelve-month period.
 - 2. Commercial or residential site development
 - 3. Short subdivision
 - 4. Subdivision
 - 5. Large lot division
 - 6. Planned rural residential development
 - 7. Septic planning and installation
 - 8. Special use permits
- C. Exemptions. Certain exemptions from forest conversion permitting requirements are defined in TCC 17.25.300
- D. Other Applicable Chapters. An application filed pursuant to this Title must also comply with the following Titles of the Thurston County Code, including but not limited to:
 - 1. Chapter 14.37, Grading;
 - 2. Title 15, Public Works;
 - 3. Chapter 17.15, Agricultural Uses Critical Areas;
 - 4. Chapter 17.40, Habitat Conservation Plan
 - 5. Title 18, Platting and Subdivisions;
 - 6. Title 19, Shoreline Master Program;
 - 7. Title 20, Zoning
 - 8. Title 24, Critical Areas

17.25.300 Exemptions.

The following activities are exempted from the provisions of this chapter unless proposed on a Shoreline of Statewide Significance:

- A. Class I forest practices,
 - 1. except when the forest practices are associated with the conversion of land to a use which is not compatible with forestry.
- B. Class I forest practices located within UGAs
 - 1. unless the practices involve road construction or timber harvesting.
- C. Class II, III, and IV-Special forest practices on ownerships of contiguous forest land greater than 20 acres in a UGA where the landowner submits a 10-year statement of non-conversion to the Washington State Department of Natural Resources (reforestation agreement) together with either an acceptable 10-Year Forest Management Plan or proof that the land is currently enrolled in Designated Forest Land, under the provisions of Chapter 84.33 RCW.
- D. Class II, III, and IV-Special forest practices located outside UGAs, which are permitted or approved by the DNR, and do not have an associated conversion option harvest plan.

(Ord. 11518 § 1 (part), 1997)

(Ord. No. 14773, § 10(Att. I), 7-24-2012)

17.25.400 Class IV – General Permit requirements.

- A. General Requirements.
 - 1. Class IV-General forest practices must comply with all applicable provisions of the Thurston County Code, including the Tree Conservation provisions of Chapter 17.27.
 - 2. A Class IV-General forest practices application must be submitted prior to conducting forest practices on the project site.
 - 3. A Class IV-General forest practices application must be submitted with a development application for the affected site.
 - 4. A Class IV-General forest practices permit must comply with any conditions of approval established through the associated development permit.
- B. Application Requirements. All Class IV-General applications subject to review under this chapter, must contain the following, where applicable:
 - 1. A Site Plan which has the following information:

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- a. Harvest boundaries and tree retention areas; and
 - b. Tree conservation plan information consistent with rules in TCC Section 17.27.500.
 - c. The approximate location of any structures; and
 - d. The location of all existing and proposed streets, rights-of-way, easements, skid roads, haul roads, and landings within the proposal; and
 - e. The location of future land development such as a building site, septic drainfield areas, and/or well; and
 - f. Site topography at a contour interval of 40 feet; and
 - g. Critical areas and critical area buffers including, but not limited to, wetlands, streams, landslide, wildlife habitat, and erosion hazard areas, regulated pursuant to Title 24 TCC, Critical Areas; and
 - h. Drainage ways; and
 - i. North seeking arrow and scale must be shown on all site plans. The scale must be no smaller than one inch to 200 feet.

2. A completed "forest lands conversion application" form as provided by Community Planning and Economic Development;
3. A tree conservation plan as outlined in TCC Section 17.27.500.
4. A completed environmental checklist when required by the State Environmental Policy Act, the State Forest Practices Act, and Chapter 17.09 of the Thurston County Code;
5. An application fee, as established by resolution from the Thurston County Board of County Commissioners.

C. Field Marking of Site Features. At the time of submittal of any application required pursuant to this Title, the following features must be clearly marked at the site with flagging or colored paint by the applicant:

1. Critical areas and critical area buffers regulated pursuant to Title 24 TCC, Critical Areas;
2. Landing areas;
3. Tree retention areas; and
4. Cutting boundaries.

(Ord. 13120 § 2, 2004; Ord. 11518 § 1 (part), 1997)

(Ord. No. 14773, § 10(Att. I), 7-24-2012; Ord. No. 14961, § 3(Att. C), 12-17-2013)

17.25.500 Conversion Option Harvest Plan

- A. A Conversion Option Harvest Plan (COHP) is required to preserve the landowners' option to convert forest land to a use incompatible with forestry. Upon approval, this plan exempts the forest landowner from the development moratorium ordinarily imposed under RCW 76.09. Landowners using this option must submit a COHP to Thurston County for pre-approval. Once the county has issued an approval, a forest landowners must submit the COHP to the Washington State Department of Natural Resources with other required Class II, Class III or Class IV-Special permit application documents.
- B. Application Filing. An application for a COHP must be reviewed for completeness in accordance with all other Thurston County development regulations and any applicable standards set forth in RCW 76.09 and its rules.
- C. General Requirements.
1. A COHP must include the following items:
 - a. a narrative description of the objectives of the timber harvest; and
 - b. timeframe and location of the harvest in relation to future development of the site including expected dates of commencement and completion of all harvest activities; and
 - c. built and natural features present at the site; and
 - d. measures to be taken to preserve and protect critical areas and shorelines; and
 - e. harvest method, including type of equipment to be used.
 2. The COHP must be submitted prior to application for development and/or conducting forest practices on the project site.
 3. The COHP must be approved by the department prior to the submittal of the associated forest practices permit to the DNR.
 4. The approval of a COHP does not release a landowner from the requirement to reforest a site pursuant to Chapter 222-34 WAC. The site must be reforested to the standards of Chapter 222-34 WAC within three years from the issuance of an associated forest practices permit by the DNR unless development applications have been submitted to the county.
 5. The COHP must comply with all applicable standards and provisions of the Thurston County Code and Chapter 76.09 RCW.
 6. The COHP must include retention of trees on twenty percent of the total area of the parcel. Trees retained for other conservation purposes such as conservation easements, open space, critical areas and buffers, and stormwater infrastructure may be included toward the twenty percent retention requirement. Where critical areas, shorelines and associated buffers are greater than twenty percent, the area to be retained must increase to allow for required protections. Retained trees must:

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- a) Be similar is scale to the average relative size and type of the harvested trees. Where possible, the largest trees must be prioritized for retention.
 - b) Commercial harvests done within a COHP must submit timber cruise documentation.
 - c) Trees must be conserved in clusters to avoid windthrow potential.

D. Burden of Proof. The applicant has the burden of proving that the COHP complies with the provisions of this Title.

17.25.600Administration.

A. Authority and Duties of the County and Director.

1. It will be the duty of the Thurston County Community Planning and Economic Development (CPED) to administer the provisions of this chapter.
2. The director has the authority to review applications, issue permits, impose conditions, and conduct inspections as necessary to assure compliance with the provisions of this chapter.
3. The Director may approve an application for a conversion option harvest plan (COHP), approve the application with conditions, require modification of the proposal to comply with specified requirements or local conditions, or deny the application if it fails to comply with requirements of this Chapter.
4. The director must coordinate with other state and local forestry representatives regarding the implementation of this chapter.
5. The director must perform other duties, as necessary, to implement the purposes and requirements of this chapter.
6. The director must establish written administrative procedures to expedite the accurate and thorough review of any application made under authority of this chapter.
7. The director may approve alternative measures or procedures to the standards of this chapter on a case-by-case basis, provided such alternatives provide equal or better results in accomplishing the purposes of this chapter.
8. A Thurston County approved COHP application must be submitted to the Washington State Department of Natural Resources (DNR) in association with the pertinent Class II, III, or IV-Special forest practices application. A COHP must not be final until the County approves the COHP and the DNR issues the associated forest practices permit or notification.

B. Application Procedure and General Conditions. The application for forest lands conversion must be processed according to the same permitting procedures described in Chapter 20.60 of the Thurston County Code. For purposes of this chapter:

1. A Type I process involves any proposed forest lands conversion that requires a county permit but does not require an environmental checklist. A COHP must follow the Type I process.
2. A Type II process involves any proposed forest lands conversion that requires a county permit and an environmental checklist. A release from moratorium for a single-family residence follow the Type II process.
3. A Type III process involves any proposed forest lands conversion associated with any other Type III process provided for by the Thurston County Code. A release from a development moratorium, other than for a single-family residence and related accessory buildings, must follow the Type III process.
4. CPED) must forward a copy of the conversion forest practices and the county's action to the Thurston County assessor for their use.
5. A forest land conversion approval by the county is valid for a period of one year or the duration of the associated development permit or approval.
6. The director may approve an amendment to the county's approval if the amendment is consistent with the conversion standards. If granted CPED must provide a written record of the amendment and will provide a copy of it to the landowner and/or forester.
7. The Class IV-General permit must be posted on the site prior to the initiation of timber harvest and until the harvest is finished. Posting must be at the main entrance to the property in such a manner that it is visible to the general public without having to trespass on the site.

C. Appeals. Any aggrieved person may appeal an administrative decision made under this chapter to the Thurston County hearing examiner. Such appeals are governed by Chapter 2.06 TCC. The decision of the hearing examiner on an appeal under this chapter is final. The hearing examiner must not entertain motions for reconsideration. The decision of the hearing examiner may only be appealed to Superior Court pursuant to the Land Use Petition Act, Chapter 36.70C RCW, or other applicable statute.

(Ord. 13120 § 3, 2004; Ord. 11518 § 1 (part), 1997)

(Ord. No. 14773, § 10(Att. I), 7-24-2012; Ord. No. 14961, § 3(Att. C), 12-17-2013)

17.25.700 Development moratorium requirements.

- A. General Requirements. Where development moratoria are applicable, all applications for permits or approvals relating to non-forestry uses of land (e.g., building permits, development applications, project construction, subdivision approvals) must not be accepted by Thurston County for a period of six years. All development moratoria established in this Chapter must be mandatory, subject to Chapter 76.09 RCW.
- B. Applicability of Development Moratorium. The applicability of 6-year development moratoria pursuant to Chapter 76.09 RCW will be as follows:
1. Any forest practice conducted in violation of Chapter 76.09 RCW or its rules, and/or Title 17.25 TCC including failure to comply with the conditions of an approved forest practices permit or failure to obtain required forest practices permits or approvals, will result in the imposition of a 6-year development moratorium. Thurston County will notify the appropriate state agency when violations occur outside their jurisdiction.
 2. Class II, III, or IV-Special forest practices which do not have an associated COHP will result in the imposition of a 6-year development moratorium.
 3. The violation of an approved COHP or condition of a COHP approval will result in the imposition of a 6-year development moratorium.
 4. Class I forest practices will not be subject to a 6-year development moratorium when conducted in accordance with Chapter 76.09 RCW and its rules.
 5. Class II, III, or IV-Special forest practices with an associated COHP, will not be subject to a 6-year development moratorium when conducted according to Chapter 76.09 RCW and its rules, an approved forest practices permit (if applicable), and the Thurston County approved COHP.
 6. Class IV-General forest practices approved by Thurston County will not be subject to a 6-year development moratorium when conducted according to TCC Title 17.25 and all associated conditions of approval imposed on the approved forest practices permit.
- C. Consequences of a Development Moratorium.
1. Thurston County will not accept a development proposal for land that is subject to a 6-year development moratorium, unless it is associated with a request for a single-family home exemption 17.25.700(E).
 2. In those cases where a development moratorium is imposed on a site that is subject to pending development applications, Thurston County will immediately deny the applications.
 3. The County must provide notice of the moratorium to the applicant prior to the denial of applications and must allow the applicant 30 days from the date of the notice to apply for moratorium release according to 17.25.700(E).

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4. If an application for moratorium release is received during the 30-day period, the denial of any development applications will be postponed until such time as a decision on the moratorium removal request is rendered.
 5. All development moratoria imposed in Thurston County due to a violation of a forest practices permit including a COHP will extend to the harvest area indicated in the permit. Harvest area includes all activities such as associated road construction and landings.
 6. If no forest practices permit was issued the moratorium must apply to the entire parcel.
- D. Allowable activities. Landowners may perform any of the following activities on any parcel that is subject to a development moratorium:
1. The division of land into lots provided, the proposed division meets the minimum lot size or density requirements in Title TCC.
 2. Repair or remodeling within the existing footprint of existing structures.
 3. Reconstruction of a structure damaged or destroyed due to fire, explosion, wind, flood, earthquake, or other similar calamity.
 4. Essential Public Facility uses specified under the Special Use Chapter, TCC Chapter 20.54.
 5. A development permit application may be submitted, reviewed and approved to address any site development violations on the site.
 6. A Wetland and/or Critical Fish and Wildlife Habitat area application per Chapter 24 TCC may be submitted, reviewed and approved to address any wetland and/or critical fish and wildlife habitat areas violations on the site.
- E. Moratorium Release for Single-Family Dwelling. The Director may administratively grant an exception to the mandatory 6-year development moratorium to allow the construction of one single-family dwelling unit and associated accessory structures, including septic system and wells, pursuant to the following standards:
1. General Requirements.
 - a. An application for a Request for Single-Family Dwelling Exception may not be submitted until after the associated DNR forest practices permit has been closed/withdrawn by the DNR.
 - b. The area that is permitted to be developed pursuant to this administrative exception must not exceed one acre in size.
 - c. Upon approval of a single-family dwelling exception, a memorandum of agreement (MOA) must be recorded with the Thurston County Auditor by the landowner. The MOA must identify the actions to be taken by the landowner to correct any violations of County ordinances or regulations.

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- d. When the moratorium was imposed as a result of harvesting under an approved Class II, Class III, or Class IV-Special forest practices permit, a minimum of three years must have elapsed from the effective date of the forest practices application or notification. The three-year period may be waived if:
 - i. the applicant provides the County information that no critical areas and buffers were impacted by logging activities and
 - ii. the critical areas and buffers have been preserved pursuant to TCC Title 24 and
 - iii. reforestation has taken place according to the original forest practices permit and can be proved through invoices to verify purchase of sufficient plant materials.
 - e. When the moratorium was imposed as a result of unpermitted harvesting or a violation of an approved COHP or Class IV-General forest practices permit, no waiver to the three year requirement will be approved.
 - f. The determination of compliance with County regulations must be made as part of the application for the Single-Family Dwelling Exception.
 - g. An initial determination that County regulations have been complied with, including that no critical areas and buffers were impacted, must be made prior to continued processing of the Single-Family Dwelling Exception application.
 - h. A building permit for a single-family home and accessory structures may be filed concurrently; however, if it is determined that critical areas and buffers were impacted by logging activities, then the 3-year waiting period applies.
 - i. The development moratorium will remain in effect for all other non-forestry uses of the site.
 - j. Only one Single-Family Dwelling Exception application may be submitted for each parcel during the 6-year development moratorium.

- I. Rescission of Moratorium. Upon request of the property owner, the moratorium may be rescinded by the director if an approved forest practices application has been either withdrawn or expired, and no harvest based upon the approval has taken place.

(Ord. 11518 § 1 (part), 1997)

(Ord. No. 14773, § 10(Att. I), 7-24-2012)

17.25.800 Violations and enforcement.

Violations of this chapter must be enforced through the provisions of Title 26 TCC.

(Ord. No. 15274, § 2(Att. B)Z, 2-23-2016)

Editor's note(s)—Ord. No. 15274, § 2(Att. B)Z, adopted Feb. 23, 2016, amended § 17.25.800 in its entirety to read as herein set out. Former § 17.25.800 pertained to civil infractions, and derived from Ord. 11518 § 1 (part), 1997; Ord. 12761 § 4, 2002; Ord. No. 14773, § 10(Att. I), 7-24-2012; Ord. No. 14961, § 3(Att. C), 12-17-2013.

III. Thurston County Code Chapter 17.27 TCC (TREE CONSERVATION) must be added as follows:

Chapter 17.27
Tree Conservation Practices

17.27.100 Purpose.

These regulations are intended to:

- A. Establish standards for tree conservation
- B. Fulfil goals stated in the Thurston County Comprehensive Plan
- C. Conserve large existing trees and enhance forest lands
- D. Preserve important ecosystem benefits that trees provide such as managing stormwater runoff, improving air quality, providing habitat, and increase carbon storage
- E. Manage tree canopy
- F. Allow forest thinning to improve the health of a tree stand and reduce fire hazards
- G. Allow for clearing around homes to maintain defensible space in the wildland urban interface
- H. Allow for flexibility in design of new development

(Ord. _____ § 1 (part), 2023)

17.27.200 Definitions. Except as provided for in this section, this chapter will use existing definitions which are already in common use regarding the subject of forest practices. Definitions contained in the Washington State Forest Practices Act (RCW 76.09.020), Rules for the Washington State Forest Practices Act (WAC 222-16), and the Thurston County Code will not be included here.

“2-1 seedling” means a seedling that is 3 years old having been grown in a bed for 2 years and transplanted to another bed for one year. These seedlings also have no soil on their roots when they are transplanted.

“Caliper” means the American Association of Nurseryman standard for trunk measurement of nursery stock. Caliper of the trunk must be the trunk diameter measured 6" above ground for up to and including 4" caliper size and 12" above ground for larger sizes.

“Carbon storage” means the retention of carbon dioxide in trees and underground reservoirs in order to prevent it from escaping into the earth's atmosphere

“Critical root zone” means the area in which the tree's roots are located. This root zone is generally the area surrounding a tree at a distance which is generally equal to one foot for every d.b.h inch of tree.

“Defensible space” means the area around a structure when it is managed to slow wildfire spread by reducing ignition points and combustible materials.

“Diameter at breast height or DBH” is a measurement of the diameter of a standing tree at four and a half feet above the ground.

“Legacy trees” any trees over 40 inches in diameter measured at 4.5 feet above the ground.

“Mature tree” means a tree close to maximum height, can produce seeds or fruit, and exhibiting reduced shoot elongation.

“Mature tree canopy” means the expected size of a trees canopy when it reaches maturity.

“Minimum tree unit density” means the least tree units that can be grown on an acre of land.

“Thinning” means to reduce the density of vegetation so that retained individuals can flourish.

“Tree conservation plan” is a document that provides information about the trees that are intended for removal and those that are intended for retention.

“Tree units” is a value assigned to categories of trees based on volume and relative ecological value.

17.27.300 Applicability.

The standards of this Chapter apply to any development application requiring a Class IV – General forest practices application with the following exemptions:

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- A. Multifamily, commercial and industrial development which is subject to landscaping standards in TCC Title 18 and 20
 - B. Subdivision applications subject to the standards in TCC Title 18
 - C. Construction, reconstruction or maintenance of public roads, paths, bicycle ways, trails, bridges, sewer lines, utilities, storm drainage facilities, related critical area mitigation activities and other similar public infrastructure excluding public buildings.
 - D. Other Applicable Chapters. An application filed pursuant to this Title must also comply with the following Titles of the Thurston County Code, including but not limited to:
 - 1. Chapter 14.37, Grading;
 - 2. Title 15, Public Works;
 - 3. Chapter 17.15, Agricultural Uses Critical Areas;
 - 4. Chapter 17.25 Forest Conversions
 - 5. Chapter 17.40, Habitat Conservation Plan
 - 6. Title 18, Platting and Subdivisions;
 - 7. Title 19, Shoreline Master Program;
 - 8. Title 20, Zoning
 - 9. Title 24, Critical Areas
 - 10. Drainage and Design Erosion Control Manual

17.27.400 Tree Conservation Standards.

- A. Minimum Tree Unit Density
 - 1. All sites which are subject to provisions in this chapter must retain or replant trees to maintain an average of 100 tree units per acre.
 - 2. As trees grow, thinning is allowed to maintain appropriate density.
- B. Credits. All trees on-site that meet the standards of this Section and are retained may be counted toward the minimum tree unit requirements.
- C. Standards – General.
 - 1. Construction Buffer. No construction must occur within the anticipated mature critical root zone of a tree planted or retained to meet tree unit density requirements.
 - 2. Defensible space. Trees may be retained or replanted up to 15 feet from a proposed structure. All trees between fifteen and one hundred feet of any structure

must be spaced apart so that their canopies at full size are not touching to limit wildfire risk.

3. Ecologically Significant Trees. At a minimum, 30 percent of significant trees on site must be retained, preferably reflective of the diversity of species and age within the stand, up to the minimum tree density requirements. All retained significant trees must be shown to be windfirm. Where a sampling method is proposed for treed project sites, standards must follow accepted industry methods as determined by a Professional Forester or licensed Landscape Architect.
4. Legacy Trees. At a minimum, 70 percent of significant legacy trees on site must be retained, up to the minimum tree density requirements. All retained significant trees must be shown to be windfirm. Where a sampling method is proposed for treed project sites, standards must follow accepted industry methods as determined by a Professional Forester or licensed Landscape Architect.

Table 17.27.550-1. Tree Conservation Categories

Table TCC 17.27.550-1. Tree Conservation Categories		
Tree Category	Size	Tree Credits
<u>Replacement Seedling</u>	<u>Must be at least 2-1 seedling</u>	<u>1</u>
<u>Prevailing Tree</u>	<u>Less than 24"</u>	<u>5</u>
<u>Uncommon Trees (Oregon White Oak¹)</u>	<u>Oregon White Oak at Any size, Madrone over 12", Pacific Yew over 12"</u>	<u>30</u>
<u>Ecologically Significant Trees (any species)</u>	<u>24" diameter at breast height (d.b.h.) or greater</u>	<u>30</u>
<u>Legacy Tree (any species)</u>	<u>40" d.b.h. or greater</u>	<u>50</u>

Footnote:

- (1) See also habitat protection standards for Oregon White Oak trees/stands in TCC Chapter 24.

4. Retained Trees. Trees to be retained on site must meet the following minimum standards to be credited toward the tree density requirements of this Section:
 - a. Post-development life expectancy of greater than 10 years;

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- b. Relatively sound and solid trunk with no extensive decay or hollow and no significant trunk damage;
 - c. No major insect or pathological problem;
 - d. No significant crown damage;
 - e. Full branching and general proportionality in height and breadth for the tree age; and
 - f. Individual trees and groupings of trees proposed for retention must be wind-firm in their post development state.
 - g. Trees from fifteen to one hundred feet of any proposed structure must be pruned to remove limbs up to eight feet high.
 - h. Unique Trees and Legacy Trees and those located within a critical area or its buffer may be credited toward the tree unit requirements, regardless of the health or state of the tree.
5. Replacement Trees. Each tree proposed for planting must meet the following minimum standards to be credited toward satisfying the tree density requirements of this Section:
- a. Trees must be free from injury, pests, diseases and nutritional disorders and must be fully branched and have a healthy root system;
 - c. Trees utilized for planting must be a minimum 2-1 seedling size;
 - d. Trees planted must include a mix of coniferous and deciduous trees, with a minimum of 30 percent coniferous, unless the area is deemed to have been Oregon white oak habitat, in which case the standards in Title 24 TCC, Development Regulations – Critical Areas, must apply;
 - h. Trees may be planted on a solitary basis or within clusters to form stands.

D. Tree Conservation Plans. At the time of application, sufficient information regarding tree conservation must be shown on the site plan to support the design and location of the proposed development.

A. Tree Conservation Plan.

- 1. Final tree conservation plans must be prepared, submitted, and approved prior to the approval of development permits or final approval of any development permits, whichever is first.
- 2. The plans must be drawn to the same scale as the site plan, show approximate locations of trees to be retained or planted, must meet the applicable standards of TCC Section 17.27.
- 3. Must be completed by a professional forester or licensed landscape architect.
- 4. Required for any project which is subject to the standards of this Chapter unless a professional forester determines that one or more of the following applies:

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- a. Trees exist in a critical area such as, but not limited to, a steep slope or wetland/buffer.
 - b. Existing trees are less than 6” in diameter and are not proposed to be retained to satisfy tree unit requirements.
 5. Tree unit calculations, including the estimated volume of merchantable timber proposed to be removed from the site.
 6. Species name and diameter at breast height of ecologically significant trees, legacy trees and protected trees labeled on the site plan. May be substituted with timber cruise records which follow accepted industry standards as determined by a professional forester or licensed landscape architect.
 7. Drip-lines of retained individual trees or tree masses outlined on the site plan. The average d.b.h. within tree masses must be specified on the drawing.
 - a. Where a sampling method is proposed, standards must follow accepted industry methods as determined by a Professional Forester or licensed Landscape Architect.
 8. The mature tree canopy must be shown for each tree proposed for retention and/or replacement tree, when such trees are located within 100 feet of a buildable area to identify and minimize potential future conflicts between such trees and adjacent infrastructure.
 9. New plantings must consist of tree species native and appropriate to the area and must be planted between October to February. Restored areas and replanted trees must be recorded on a form provided by the department, the final plat, and in the abbreviated drainage plan as applicable. The county may also require that a watering, maintenance and monitoring plan be submitted to ensure their survival.